



Appeal Decision

Site visit made on 26 June 2024

by A Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd July 2024

Appeal Ref: APP/R3705/W/23/3333466

23 Tamworth Road, Polesworth, Warwickshire B78 1HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Ian Albrighton against the decision of North Warwickshire Borough Council.
 - The application Ref is PAP/2023/0128.
 - The development proposed is one new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether the development would provide acceptable living conditions for its future occupiers with regard to outdoor amenity space; and
 - the effect of the development on the living conditions of neighbouring occupiers in respect of privacy.

Reasons

Character and appearance

3. The appeal site accommodates a two-storey detached dwelling. It is bounded by Tamworth Road to the north, Ensor Drive to the south and a canal to the east. The surrounding dwellings are mostly also detached but comprise a mix of bungalows and two-storey dwellings. The only departure from this is the dwelling at No 5a which lies to the west of the site and, with No 5, forms a pair of semi-detached houses. Nonetheless the general character of the area is strongly informed by the detached form of the houses and the resultant spaces in between.
4. In addition, when walking along Miner's Walk, which is the footpath that runs between the site and the canal, the mature trees at the site and along the canal edge, add a verdant element which is a positive characteristic of the area. The open spaces between the existing house and Tamworth Road, and to the bungalow at 2 Miner's Walk provide a sense of spaciousness.
5. The proposed dwelling would be two-storey and would be similar in its proportions to the existing house. The plans show there would be a gap of

800mm between the existing and proposed houses. This would be considerably less than the gaps between other detached properties nearby. Consequently with such a narrow gap, the two dwellings would appear cramped together. This effect would be exacerbated by their two-storey height plus their facing gable ends. The development would also result in the loss of a substantial part of the characteristic open and verdant gap between No 23 and 2 Miner's Walk.

6. It is noted that this part of Ensor Drive falls to the canal and so the dwelling would be lower than the houses at Nos 1 to 5a. It is also recognised that the house at 5a extends to the back edge of the pavement, whereas the proposal would be slightly stepped back. However, when seen from Ensor Drive, the cramped effect and the reduction in spaciousness to No 2 would still be apparent.
7. The mature trees alongside the canal would help to provide some visual mitigation from canal side positions. Nonetheless, the dwelling would be visible through the trees and because the ground level at the site is higher than that along either side of the canal, particularly the east side, the dwelling would appear particularly prominent.
8. The development would therefore appear incongruous in its setting and would harm the character and appearance of the area. It would hence conflict with policy LP30 of the North Warwickshire Local Plan which says that all development should respect and reflect the existing pattern, character and appearance of its setting.

Living conditions – future occupiers

9. The new dwelling would be located within the garden of the existing house. Its garden would be between the house and the parking spaces and would amount to 62 square metres. In my view this would be insufficient for a large three bedroomed family house such as that proposed.
10. The appellant points out that the Council have no minimum size standards for garden spaces but suggests that the garden would meet the standards set by other Councils nearby. However I have no substantive evidence of this and in view of the lack of any standards applicable to this case, it is a matter of planning judgement.
11. It is noted that the existing garden at the site is larger than others nearby and it is certainly the case that No 23 would be left with a sufficiently sized garden. However, although other nearby gardens are smaller than the existing garden, they would appear to be larger than that proposed, possibly with the exception of that at Nos 5 and 5a. In any case the presence of a few small gardens elsewhere should not justify the provision of an inadequate garden in this case.
12. As a result I consider the development would fail to provide a sufficiently sized outdoor amenity space and would therefore not provide satisfactory living conditions for its future occupiers. The development would therefore fail to accord with Local Plan policy LP29 which generally seeks to ensure proposals meet the needs of residents.

Living conditions – neighbours

13. The officer's report stated that the distance between the proposal and the dwellings on Ensor Drive would be similar to the distance that there currently is

between No 23 and those neighbouring properties. For that reason it is considered there would be no harmful overlooking. However the Council's subsequent appeal statement states there would be adverse overlooking to No 5. I agree with their initial reasoning and assessment.

14. The appeal statement also says there would be overlooking to the houses on the east side of the canal, which was not a concern raised in the officer's report. The distance between the houses to the east and the site, and the presence of some mature trees on the canal side, leads me to consider that there would be no unacceptable degree of overlooking here either.
15. Consequently, there would be no unacceptable loss of privacy for the occupiers of neighbouring properties. Therefore, in this regard, the development would accord with policy LP29 which says that development should avoid unacceptable impacts upon neighbouring amenities, such as through overlooking.

Conclusion

16. Although the proposal would not unacceptably affect the privacy of neighbouring residents, it would fail to provide acceptable living conditions for its own future residents and would harm the character and appearance of the area. It therefore would conflict with the development plan taken as a whole. Consequently it would fail to accord with policy LP1 of the Local Plan which requires proposals to be in accordance with its policies. There are no other considerations to indicate a decision other than in accordance with the development plan. As such, the appeal is dismissed.

A Owen

INSPECTOR